

Section III. (Remarks)**Telephonic Interview with Examiner Thien D. TRAN on August 3, 2004**

Appreciation is expressed to Examiner Thien D. TRAN for the courtesy extended in granting the applicant and undersigned attorney the telephonic interview held on August 3, 2004 to discuss the application and resolution of outstanding issues to place the application in condition for allowance.

The substance of the discussions in such telephonic interview is reflected in the informal response to the June 16, 2004 Office Action as emailed to Examiner TRAN on August 2, 2004, and in the amendments made in the claims herein to resolve issues of antecedent basis in the language of the claims.

Amendment of Specification to Correct Typographical Errors Therein

A review of the specification has revealed the presence of a number of self-evident typographical errors in the specification, at pages 1, 5, 7, 8, 9, 10, 13, 14, 21, 24, 26 and 28. These errors have been corrected in the corresponding replacement paragraphs introduced to the application in Section I (Amendments of the Specification) hereof.

General Discussion of the Claimed Invention, and Its Distinction From the Petty System

As a background to the further discussion of the claims of the present application, it is important to consider the following questions:

- (1) What is a Managed Voice-over-Internet Protocol (MVoIP) telephone network?
- (2) How does the MVoIP network differ from the conventional Public Switching Telephone Network (PSTN)?
- (3) How does the MVoIP network differ from the Internet?
- (4) How does the MVoIP network differ from the system taught by Petty?

(1) The Managed Voice-over-Internet Protocol (MVoIP) Network

Internet Protocol (IP) is a standard for packet-based transmission of information. Data processed according to this standard is sent through an IP gateway and converted into a stream of packets for transmission on a packet network. Each of the packets contains a destination address.

The packets are sent through the packet (IP) network to the destination, where the packets are reassembled by a recipient IP gateway and delivered to the recipient. There is no direct connection, so packets may follow divergent paths to the destination depending on network conditions.

Internet Protocol is an efficient way to transmit data, since it allows data sent to various destinations to share bandwidth.

Voice-over-Internet Protocol (VoIP) refers to the transmission of voice in packet form over an Internet Protocol (IP) network, such as office intranet networks and the Internet. While this form of voice transmission is feasible, the voice transmission quality is poor and transmission is unreliable, since IP networks like the Internet and office intranets were built for data transmission and not for voice communications.

The applicant's invention contemplated that managed (packet transmission) networks that were separate and distinct from the PSTN and the Internet (see discussions below) could be utilized for Internet Protocol-based transmission of voice in packet form as well as for Internet Protocol-based transmittal of data in traditional data packet form, and that such managed (packet transmission) networks could be used in conjunction with the Internet (on which traditional Internet-based data communications were effected), to provide a remarkably efficient and low-cost arrangement for carrying out transactions involving products and services advertised on the World-Wide Web.

In such invention (the instant application was filed in 1999), the applicant anticipated the subsequent and now currently emerging commercial deployment of managed IP networks on a vast worldwide scale by companies such as AT&T, Level 3 Communications, Verizon, Cisco Systems, Cable & Wireless, Avaya, Sprint, Qwest Communications, MCI WorldCom, Microsoft, Lucent, PSINet, Equant, and others.

Applicant's pioneering invention, integrating (1) PSTN-quality voice communications (on an IP telephony network separate from the Internet and separate from the PSTN), (2) Web-based advertising and (3) Web-based data communications, in an arrangement establishing initial data communication interchange between customer and advertiser, and subsequent high-quality voice communication, will emerge as a dominant form of e-commerce transactions when the managed IP networks now beginning to be built, become ubiquitous.

The applicant is a visionary. His claimed invention merits patent protection.

In support of the foregoing discussion, see applicant's specification at page 1, lines 6-8, describing the Managed Voice-over-Internet Protocol Network as a network "that provides carrier-grade voice quality, and performance equal to the existing Public Switched Telephone Network (PSTN)."

The Managed VoIP Network is separate and distinct from the PSTN and the Internet. This is schematically shown in FIG. 3 of the application (see also page 21, lines 1-2 of the instant application – "FIG. 3 is a schematic block diagram of the present invention utilizing the Internet and the novel VoIP network [identified as Managed Voice-over-Internet Protocol network (MVoIP) 64 at page 21, lines 5-6 of the application] to bypass the PSTN").

As indicated above, the reason that the Internet cannot be used for quality voice communications is that it has not been engineered nor is it managed for voice traffic. The Internet has instead been designed to switch non-real-time communications from one point on the network to another point on the network, and to tolerate packet loss, delay, jitter and bandwidth availability constraints, so that such effects do not adversely impact the data transmitted across the networks, but instead prompt the network to ask for retransmission of the data.

These non-rigorous operating characteristics of the Internet (tolerating packet loss, jitter, bandwidth limitations) are inconsistent with the requirements of voice communications. Voice requires real-time end-to-end connectivity without delay, noise or jitter. The Internet therefore has never been intended to transport quality voice traffic, and it is constitutionally incapable of achieving real-time quality voice transmission.

The "managed" aspect of MVoIP networks means that the transport of the voice packets across the IP network is managed to ensure that the requirements for quality voice are met. Quality of Service routing, engineered bandwidth, noise, jitter and delay are all elements that are managed to ensure quality voice transmission across a Managed Voice over IP Network. See also the title of the instant application, ("Enabling Quality Voice Communications ...").

(2) Difference Between the MVoIP Network and the PSTN

The **Public Switched Telephone Network (PSTN)** uses dedicated bandwidth and traditional circuit-committed protocols to create a direct connection for each voice call. Only one call can travel on that connection. While a superior quality of voice transmission is achieved on the PSTN, its use of bandwidth is inefficient.

The MVoIP Network is designed to transmit quality voice (voice of a quality equal to that achieved by the PSTN) in Internet Protocol packets that are able to share bandwidth with packets being transmitted to various destinations. As a result, the MVoIP Network is far more versatile and efficient as a means of voice communication than the PSTN, without the substantial charges involved in use of the PSTN, including access charges, toll charges, intrastate and interstate charges, long distance charges, and other charges that imposed on the PSTN as a regulated utility.

(3) Difference Between the MVoIP Network and the Internet

The **Internet** is an Internet Protocol (IP) network created for data communication. It cannot be used for quality voice communications. It has not been engineered for voice traffic. It is not managed for voice traffic. It is designed to switch non-real-time communications across the network, with tolerance of packet loss, delay, jitter and bandwidth availability constraints, so that such effects do not adversely impact the data transmitted across the networks, but instead prompt the network to ask for retransmission of the data.

The MVoIP Network is designed and managed to transmit quality voice in Internet Protocol packets, as a result of being managed to provide sufficient bandwidth and sufficiently low packet loss, delay and jitter so that quality voice is transmitted in real time.

(4) Difference of the MVoIP Network from the System Taught by Petty

Petty discloses a communications arrangement that uses either the Internet or PSTN for voice connectivity.

Petty fails to teach, disclose or suggest any MVoIP network.

Petty in fact teaches away¹ from any use of an MVoIP network, in explicitly teaching that

“[T]he voice communications may be voice over Internet or PSTN voice connections, or any combination of the two”

(Petty, Abstract, lines 4-6).

Further, Petty at column 4, lines 8-13 recognizes that a user of his disclosed system will prefer a PSTN voice connection due to its “superior sound quality,” in relation to an Internet-based voice connection.

The MVoIP network utilized in the method and apparatus of the present invention as claimed achieves a substantial advance and benefit over either mode of voice communication disclosed in Petty. The MVoIP network achieves markedly superior voice quality over Internet-based voice communication, and avoids the substantial charges and expense of PSTN voice communication.

Amendment of Previously Pending Claims 1-14, and Addition of New Claims 15-20

The applicant acknowledges the numerous issues of antecedent basis and inconsistent claim terminology in the claims 1-14 previously pending in the application, which prior to retention by the applicant of the undersigned attorney were not recognized by the applicant as problematic, in the applicant's earlier *pro se* prosecution of the application.

The attention of Examiner TRAN in the August 3, 2004 telephonic interview to such issues is noted with appreciation, and Examiner TRAN's instructions to carefully review all claim language to avoid antecedent basis issues has been effectuated.

¹ A reference “may be said to teach away when a person of ordinary skill, upon reading the reference,...would be led in a direction divergent from the path that was taken by the applicant.” *Tec Air, Inc. v. Denso Mfg. Mich. Inc.*, 192 F.3d 1353,1360, 52 USPQ 2d 1294, 1298 (Fed. Cir. 1999).

The numerous recitals in the claims presenting previously recognized or additional potential issues under 35 USC §112 have been amended to resolve such issues, and the claims now set forth clear and consistent claim language that fully comports with the requirements of 35 USC §112. The claims have been amended consistent with the supporting disclosure of the specification, and no new matter (35 USC §132) has been introduced.

Consistent with the amendment of claims 1, 5 and 8 to resolve indefiniteness issues associated with examples of illustrative features, new claims 15-20 have been added to recite such illustrative features in Markush groups of dependent claims.

Thus, the CPE illustrative devices recited in previously pending claim 1 ("PC, telephones, multimedia PC, multimedia TV and/or other multimedia devices") has been recited in new claim 15 as follows:

"15. The method of claim 1, wherein said CPE includes at least one device selected from the group consisting of PCs, telephones, multimedia PCs, multimedia TVs and other multimedia devices."

In like manner, recitals in claim 5 and in claim 8 that were objected to by the Examiner in §112 rejections of such claims (for using the terminology "such as") have been set forth in dependent claims 16-20.

In connection with the final character of the rejections in the June 16, 2004 Office Action and the submission of this Amendment under the provisions of 37 CFR §1.116, it is noted that such added claims 15-20 only embody subject matter that was present in and previously considered by the Examiner. Accordingly, such added claims 15-20 do not raise any new issues requiring new consideration. Further, such added claims merely effectuate the resolution of the Examiner's rejection of the base claims (claims 1, 5 and 8) and therefore present the base claims (as well as the added claims dependent thereunder) in better form for the Examiner's consideration.

Although the introduction of claims 15-20 effects a net addition of claims, the subject matter is not new, and the Examiner is requested to take cognizance of the fact that the inventor in prior prosecution has represented himself, and that appropriate consideration and deference to the interests of *pro se* applicants is established Office policy.

For all the foregoing reasons, entry of this Amendment is warranted under the provisions of 37 CFR §1.116.

Acknowledgement of the Indicated Allowability of Claim 6, and Rejection of Claims 4, 5 and 8 Only on §112 Grounds Now Overcome in Amended Claims 4, 5 and 8

Examiner TRAN's indicated allowability of claim 6 if rewritten in independent form (see page 7, paragraph 3 of the June 16, 2004 Office Action) is acknowledged.

Claim 6 has correspondingly been rewritten in independent form.

Applicants also acknowledge the fact that claims 4, 5 and 8 were rejected by Examiner TRAN only on 35 USC §112, second paragraph grounds, and that such grounds of rejection have now been overcome in the amended claims presented in Section II (Amendment of the Claims) hereof.

See the remarks set out hereafter in respect of claims 4, 5, 6 and 8 as herein amended.

Amendment of Claims to Overcome §112 Rejection

As already mentioned, all previously pending claims 1-14 have been amended to comport with the clarity and definiteness requirements of 35 USC §112. Such amendments include revisions of claim language that specifically address points raised by Examiner TRAN in the June 16, 2004 Office Action as well as in the August 3, 2004 telephonic interview with the inventor and the undersigned attorney.

In response to the Examiner's specific rejections of claims 1, 4, 5, 8 and 13 under 35 USC §112, second paragraph as indefinite for failure to particularly point out and distinctly claim the invention, such claims have been amended herein to obviate such rejections.

Thus, in response to the rejection of claims 1 and 8 as indefinite for use of "and/or" therein, claims 1 and 8 have been amended to delete "and/or" therefrom.

In response to the rejection of claims 1, 4, 5, 8 and 13 as indefinite for use of "such that" or "such as" therein, such claims have been amended to delete these phrases from the claims.

Additionally, although apparently inadvertently overlooked by the Examiner, claims 6 and 14 previously on file contained the phrase "such as" identified by the Examiner as indefinite in claims 1, 5 and 8. Accordingly, claims 6 and 14 have been likewise amended herein to delete this phrase.

Further, also apparently inadvertently overlooked by the Examiner, claim 10 previously on file contained the phrase "such that." This phrase was identified by the Examiner as indefinite in claims 1, 4 and 13. Claim 10 therefore has been correspondingly amended to delete such phrase from the claim.

As a result, amended claims 1, 4, 5, 6, 8, 10, 13 and 14 overcome the §112 issues, and are fully in proper form for further consideration and allowance.

Rewriting of Claim 6 in Independent Form, Consistent with Examiner's Indicated Allowability Thereof

At page 7, paragraph 3 of the June 16, 2004 Office Action, the examiner objected to claim 6 and indicated that such claim "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims."

In response, claim 6 has been rewritten in independent form. In such rewriting, the §112 issues in the base and intervening claims have been obviated by recitation of the incorporated subject matter of claims 1, 2, 4 and 5 in the form as amended herein (see preceding section, discussing the amendment of claims 1, 4 and 5 to overcome §112 issues associated with the prior terminology "such that" and "such as").

Additionally, the recital of the phrase "such as" (appearing in claim 6 previously on file) has been excised from claim 6 as now amended.

Finally, step (1) in rewritten claim 6 has been revised as set out below

~~"(1) provide providing menu navigation prompts in place of the present day voice options of: "press [1] if you need..."; "press [2] if you need..."; "press [3] if you need..."; and other options as available;"~~

thereby removing from the claim the recitals of "present day voice options ... and other options as available" since the recitation of "menu navigation prompts" fully specifies the provided functional feature. Additionally, "provide" has been changed to "providing" for grammatical consistency.

Claim 6 therefore is in form and condition for allowance.

Allowability of Claims 4, 5 and 8 as Amended

Claims 4, 5 and 8 were rejected only on §112, second paragraph grounds in the June 16, 2004 Office Action.

The §112, second paragraph issues associated with these claims have been resolved by the amendment of such claims herein.

Amended claims 4, 5 and 8 are allowable.

Since claim 4 as previously on file was in dependent form under claim 2, which in turn depended from claim 1, claim 4 has been rewritten herein in independent form, incorporating therein the substance of amended claims 1 and 2. Accordingly, claim 4 now is in appropriate form for allowance and issue.

Claim 5, amended herein, depends from claim 4 and likewise is in form for allowance.

Independent claim 8 has been revised herein to obviate the §112, second paragraph ground of rejection and includes the following amendments:

“...entering into said Internet, with said CPE of said Internet Web Page user user’s CPE, information concerning said Internet Web Page user that is necessary to complete a telephone call to said premises communication equipment of said Internet Web Page advertiser CPE such as user telephone number, user name, address, and language preference, and user identification of product/service preference features such as flight information, ticket purchase, pricing fares, color, and style;

**....
automatically navigating said menu menus, prompts and options procedures from said Internet Web Page of said Internet Web Page advertiser provided by advertisers Web Page which eliminates present day implementation of “press [1] if you need...”; “press [2] if you need...”; press [3] if you need...”; and other options as required;”**

thereby overcoming the §112 rejection and placing the claim in form for allowance.

Addition of New Claims 15-20

New dependent claims 15-20 have been introduced, to recite illustrative features that have been excised from claims 1, 5 and 8 to cure §112 issues. No new matter (35 USC § 132) has been added.

Claim 15, of dependent form under claim 1, has been added to recite the Customer Premise Equipment (CPE) species deleted from claim 1 in the amendment thereof removing the terminology "and/or". Such CPE species have now been recited in claim 15 in a Markush group ("at least one device selected from the group consisting of PCs, telephones, multimedia PCs, multimedia TVs and other multimedia devices").

Claim 16, of dependent form under claim 5, has been added to recite particular species of Internet Web Page user information data that were excised from claim 5 in amending it to eliminate the phrase "such as." The information data species are now recited in a Markush group in claim 16 ("at least one item of information data selected from the group consisting of user telephone number, user name, user address, user language preference, and user identification of product/service preferences").

Claim 17, of dependent form under claim 16, has been added to recite particular species of Internet Web Page user information data that were excised from claim 5 in amending the latter to eliminate the phrase "such as" therefrom. The information data species are now recited in a Markush selection group in claim 17 ("at least one preference selected from the group consisting of flight information, ticket purchase information, pricing, fares, color, and style").

Claim 18, of dependent form under claim 8, has been added to recite particular species of Internet Web Page user information data that were excised from claim 8 in amending the latter to eliminate the phrase "such as" therefrom. The information data species are now recited in a Markush group in claim 18 ("at least one item of information selected from the group consisting of user telephone number, user name, user address, user language preference, and user identification of the product/service preferences").

Claim 19, of dependent form under claim 18, has been added to recite particular species of Internet Web Page user information data that were excised from claim 8 in amending it to eliminate the phrase "such as." The information data species are now recited in a Markush group in claim 19 ("at least one preference selected from the group consisting of flight information, ticket purchase information, pricing, fares, color, and style").

Claim 20, of dependent form under claim 8, has been added to recite particular species of Internet Web Page user options that were excised from claim 8 in amending it to eliminate the phrase "such as" and "and/or". The information data species are now recited in a Markush group in claim 20 ("at least one of the user options selected from the group consisting of (i) "hang up and wait for callback," (ii) "wait for callback from advertiser" and (iii) "your expected queue time is").

Since claims 5 and 8 have been placed in form for allowance (see preceding discussion herein), newly added claims 16-20 are likewise now in form and condition for allowance.

Additionally, newly added claim 15, dependent from amended claim 1, is patentable, for the reasons set forth hereinafter.

Rejection of Claims 1-3, 7 and 9-14 on Reference Grounds, and Traversal Thereof

In the June 16, 2004 Office Action, claims 1-3, 7 and 9-14 were rejected under 35 USC § 102(e) as anticipated by Petty et al. U.S. Patent 6,337,858 (hereafter "Petty").

Such rejection of claims 1-3, 7 and 9-14 is traversed, and reconsideration of the patentability of amended claims 1-3, 7 and 9-14 is requested, in light of the ensuing remarks.

Patentable Distinction of Claims 1-3, 7 and 9-14 Over Petty

The present invention as claimed in claim 1 requires, *inter alia*,

"1. (currently amended) A method of completing a quality voice telephone call between an Internet Web Page user of a Web Page on an Internet, said Internet Web Page user having Customer Premise Equipment (CPE) capable of voice and data communications, to a first Local Service Access Provider (LSAP) and an advertiser of a product/service on the Web Page having premises communication equipment coupled to the same or another LSAP, said method comprising the steps of:

coupling a Managed Voice-over-Internet Protocol (MVoIP) system between said first LSAP and said premises communication equipment to allow a PSTN quality voice telephone conversation to take place between said Internet Web Page user and said advertiser;

...

using said Internet to enable said MVoIP system to establish at least voice connection between said Internet Web Page user and said premises communication equipment by means of said advertiser telephone number.”

(claim 1, lines 1-11 and 15-17)

Claim 1 therefore requires an MVoIP system to be interposed between a Web Page user's LSAP and an advertiser's premises communication equipment, and use of the Internet to enable the MVoIP system to establish voice connection between the Internet Web Page user and the advertiser's premises communication equipment for a quality voice telephone call.

The arrangement required by applicant's claim 1 utilizes a **Managed Voice-over-IP system** (see earlier discussion herein, about the differences between an MVoIP system and the PSTN, and the differences between an MVoIP system and the Internet) to provide voice communication that is (i) “free from toll call regulations making this invention less expensive to the business customer” (emphasis added; page 23, lines 8-9 of the instant application) and (ii) of PSTN quality, without long line PSTN usage requiring access charges, interstate, intrastate and 1-800 settlement charges.

No such methodology is taught or suggested by Petty. This fact is evident from the Abstract of Petty, which discloses

“[A] method and apparatus for providing voice communications
...[T]he voice communications may be voice over Internet or PSTN
voice connections, or any combination of the two.”

Voice over Internet communications (computer-to-computer voice connections, or computer-to-telephone voice connections) are notoriously poor in quality and reliability (see discussion at page 8, lines 9-12 of the instant application). PSTN voice communications involve heavily regulated lines with access charges, interstate, intrastate and 1-800 settlement charges. Voice communications on the PSTN, while of high quality, involve expenses that are avoided in the present invention, which utilizes a Managed Voice-over-IP system that is separate and distinct from the PSTN and separate and distinct from the Internet.

Petty therefore teaches a methodology that produces voice communication of poor quality (over the Internet) or costly (over the PSTN), or both (a “combination of the two” modes of Internet and PSTN).

Petty lacks any teaching or suggestion of a

“method of completing a quality voice telephone call between an Internet Web Page user of a Web Page on an Internet, said Internet Web Page user having Customer Premise Equipment (CPE) capable of voice and data communications, to a first Local Service Access Provider (LSAP) and an advertiser of a product/service on the Web Page having premises communication equipment coupled to the same or another LSAP, said method comprising the steps of:

... coupling a Managed Voice-over-Internet Protocol (MVoIP) system between said first LSAP and said premises communication equipment to allow a PSTN quality voice telephone conversation to take place between said Internet Web Page user and said advertiser;

as required by applicant's claimed invention as broadly recited in claim 1.

Contrary to the examiner's contentions at page 3, lines 9-12 of the June 16, 2004 Office Action, in his statement of reasons for the rejection of claim 1 based on Petty, an ISP is not an LSAP, nor is a switch or a server an LSAP. The examiner's attention is directed in such respect to the disclosure of the instant application at page 3, lines 7-9:

“An LSAP (Local Service Access Provider) is defined herein as a telephone system that couples all of the CPE in a local area to each other internally and to external systems such as the PSTN.”

- Page 3, lines 7-9, instant application

Petty contains no teaching or suggestion of any arrangement of

(Web Page user LSAP) — (MVoIP system) — (advertiser premises communication equipment)

as required by applicant's claim 1.

Claim 1 is correspondingly patentable over the art, as are all claims 2, 3 and 7 dependent thereunder.

Claim 13 has been rejected over Petty for the same reasons as set out in the foregoing discussion of claim 1. The examiner has stated that

“Regarding claims 1, 13, Petty discloses a method of completing a quality voice telephone call between an Internet Page user having at least one Customer Premise Equipment (CPE) device ... to an ISP” (page 3, paragraph 3 of the June 16, 2004 Office Action).

It has been clearly shown above in the preceding discussion relating to claim 1 that an ISP is not an LSAP.

Accordingly, claim 13, which requires, *inter alia*, an Internet Web Page user telephone and a PC coupled to an LSAP, with an Internet-enabled Managed Voice-over-Internet Protocol (MVoIP) telephone system between the Internet Web Page user LSAP and an Advertiser Call Center to allow a voice telephone conversation between the Web Page user and the advertiser, has no derivative basis in Petty. Claim 13 therefore is fully patentably distinguished over Petty, and is otherwise in form and condition for allowance, since it has been amended herein to obviate the §112, second paragraph rejection (based on use of the phrase “such that”) of such claim.

The same error of the examiner in equating an ISP to an LSAP is pointed out in connection with claims 9 and 12. At page 5, lines 10-14 of the June 16, 2004 Office Action, in reference to applicant’s claim 9, reciting

“9. A method of bypassing a regulated toll portion of a Public Switching Telephone Network (PSTN) to establish voice communications between an Internet Web Page advertiser having premises communication equipment coupled to an Internet Web Page advertiser LSAP and an Internet Web Page user having a CPE coupled to an Internet Web Page user LSAP..”

the examiner has stated that

“Regarding claims 9, 12, Petty discloses a method of bypassing the regulated toll portion of the Public Switching Telephone Network (PSTN) to establish voice communications between an Internet Web Page advertiser having a CPE coupled to an ISP and an Internet Web Page user having a CPE coupled to an ISP”

- page 5, lines 10-14 of the June 16, 2004 Office Action.

It is again apparent that the examiner’s rejection of claim 9 is based on the erroneous premise that an ISP is equivalent to an LSAP.

The examiner therefore is requested to reconsider his rejection of claim 9 in light of the foregoing, and on reconsideration to credit LSAP with the express meaning set forth in the instant application at page 3, lines 7-9. It is fundamental law that a patentee may be his own lexicographer, and that terms expressly defined in the specification are binding on the meaning and interpretation of a claim in which such terms appear. See, for example, *CCS Fitness, Inc. v. Brunswick Corp.*, 288 F3d 1359 (Fed. Cir. 2002) ("the claim term will not receive its ordinary meaning if the patentee acted as his own lexicographer and clearly set forth a definition of the disputed claim term in either the specification or prosecution history").

Further, the rejection of claim 9 ignores the fact, discussed hereinabove, that Petty lacks any teaching, disclosure or suggestion of any Managed Voice-over-IP system. Claim 9 additionally requires the steps of:

"establishing a Managed Voice-over-Internet Protocol (MVoIP) system that is capable of bidirectional transmission of both voice and Internet Protocol data communications in parallel with said regulated toll portion of said PSTN; conducting at least one of the steps of (i) browsing an Internet with said CPE to locate an Internet advertised product/service having an associated telephone number and (ii) correlating a Web Page of said Internet Web Page advertiser to an IP address on the MVoIP system; and using at least one of said associated telephone number and said IP address, as determined by said conducting at least one of the steps of (i) and (ii), to cause said MVoIP system to establish both voice and Internet Protocol data communications between said Internet Web Page advertiser of said Internet advertised product/service and said Internet Web Page user through said Internet Web Page advertiser LSAP and said Internet Web Page user LSAP."

but such steps find no derivative basis of any kind in the Petty reference. As mentioned, Petty teaches away from any Managed Voice-over-IP (MVoIP) system, by the restrictive teachings in Petty to utilize only (1) the PSTN, (2) the Internet, or (3) a combination of the PSTN and Internet, for voice communication.

Claim 9 is therefore distinguished over Petty, and in form and condition for allowance.

Claim 12 has been rejected by the examiner on the same grounds. Claim 12 is dependent on claim 10, and recites the further step of storing pages of a telephone directory on an Internet Web server to enable a telephone number of a Called Person to be located by the first CPE. Claim 10 in turn recites, *inter alia*,

"10. A method of completing a telephone call between a Calling Party having a first CPE coupled to a first LSAP and a Called Person having a second CPE coupled to a second LSAP, said method comprising the steps of:

bypassing a regulated portion of an existing Public Switching Telephone Network (PSTN) telephone system with an MVoIP system having carrier-grade voice quality and that is coupled between said first LSAP and said second LSAP to allow a voice conversation to take place between said Calling Party and said Called Person;

....

automatically enabling said MVoIP system to establish a voice connection between said Calling Party and said Called Person that bypasses the regulated portion of the existing PSTN telephone system when the name of said Called Person is selected."

- Claim 10, preamble, and first and fourth sub-paragraphs

Accordingly, the examiner's basis for rejection of claim 12 ("Petty discloses a method of bypassing the regulated toll portion of the Public Switching Telephone Network (PSTN) to establish voice communications between an Internet Web Page advertiser having a CPE coupled to an ISP and an Internet Page user having a CPE coupled to an ISP" (emphasis added)) is in error, since as pointed out above, an ISP is not an LSAP, and an ISP does not in any way, expressly, impliedly or extrapolatively, lead one of skill in the art to utilize an LSAP in place of Petty's ISP.

Further, as already shown, Petty lacks any teaching, disclosure or suggestion of any Managed Voice-over-IP system, and in fact teaches away from use of such system, by Petty's restrictive teachings to utilize only (1) the PSTN, (2) the Internet, or (3) a combination of the PSTN and Internet, for voice communication.

Claim 10 therefore is patentably distinguished over Petty, and such claim is in form and condition for allowance. Claim 12 is likewise patentably differentiated, by virtue of its dependence from claim 10.

Concerning the examiner's rejection of claim 11 based on Petty, claim 11 depends from claim 10 and recites the further step of locating the name of the Called Person from an e-mail document received on the first CPE. Claim 11 therefore patentably distinguishes over Petty for the same reasons set out hereinabove in support of the patentability of claim 10.

In view of the foregoing, all claims 1-3, 7 and 9-14 are patentable over Petty. Withdrawal of the §102 rejection of such claims therefore is respectfully requested.

Fee Payable for Rewritten and Added Claims

The addition herein of new claims 15-20 does not increase the total number of claims beyond the number for which payment previously has been made.

Claims 4 and 6 have been rewritten in independent form herein, increasing the number of independent claims in the application by two, beyond the number of independent claims for which payment previously has been made. Accordingly, an added claims fee of \$86 (2 x \$43 specified in 37 CFR §1.16(b)) is payable.

Enclosed herewith is a Credit Card Authorization form authorizing charging of such amount of \$86. Any excess payment, or additional fee payable in connection with the entry of this Amendment, hereby is authorized to be charged to Deposit Account No. 08-3284 of Intellectual Property/Technology Law.

CONCLUSION

For all the foregoing reasons, claims 1-20 as now pending in the application are patentably demarcated over the art, and in form and condition for allowance.

The Examiner is therefore requested to reconsider the claims in light of the amendments made in the claims to overcome the §112 rejections of claims 1, 4, 5, 8 and 13, and the distinguishing remarks herein showing the patentability of claims 1-3, 7 and 9-14 over Petty.

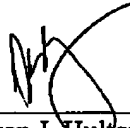
If any remaining issues exist, the Examiner is requested to contact the undersigned attorney at (919) 419-9350, so that such issues may be expeditiously resolved and so that the application can be passed to issue at an early date.

The thoroughness of the Examiner's consideration of the application in the August 3, 2004 telephonic interview is acknowledged with appreciation. It is respectfully submitted that this Amendment

comprehensively resolves all issues discussed during such telephonic conference, and otherwise of record.

Issue of a Notice of Allowance is respectfully requested.

Respectfully submitted,



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